



7020-02

INTERNATIONAL TRADE COMMISSION

Carburetors and Products Containing Such Carburetors

[Investigation No. 337-TA-1123]

Commission Determination Not to Review an Initial Determination Granting a Motion for Leave to Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 53) of the presiding administrative law judge (“ALJ”), granting complainant’s unopposed motion for leave to amend the complaint and notice of investigation to substitute “Home Depot Product Authority LLC” and “Home Depot U.S.A., Inc.” for originally-named respondent “The Home Depot, Inc.” of Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are

advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on July 20, 2018, based on a complaint, as supplemented, filed on behalf of Walbro, LLC of Tucson, Arizona ("Complainant"). 83 FR 34,614 (July 20, 2018). The complaint, as supplemented, alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain carburetors and products containing such carburetors by reason of infringement of one or more of U.S. Patent Nos. 6,394,424; 6,439,547; 6,533,254; 6,540,212; and 7,070,173. The complaint further alleges that an industry in the United States exists as required by section 337. The notice of investigation named numerous respondents, including The Home Depot, Inc. The Office of Unfair Import Investigations ("OUII") was named as a party in this investigation.

On May 8, 2019, Complainant filed an unopposed motion to amend the complaint and notice of investigation to substituted "Home Depot Product Authority LLC" and "Home Depot U.S.A., Inc." for originally-named respondent "The Home Depot, Inc." On May 20, 2019, OUII filed a response supporting the motion.

On May 28, 2019, the ALJ issued Order No. 53. Order No. 53 finds that "good cause exists for amending the Complaint to substitute Respondents Home Depot Product Authority LLC and Home Depot U.S.A, Inc. for Respondent The Home Depot, Inc." Order No. 53 at 2. The ALJ further finds that "amending the Complaint and Notice of Investigation to reflect the real parties in interest will aid in the development of the Investigation and is necessary to avoid

prejudicing the public interest and rights of the parties to the Investigation.” *Id.* No party petitioned for review.

The Commission has determined not to review the ID. The notice of investigation and complaint are amended.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 12, 2019.

Lisa Barton,

Secretary to the Commission.

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